

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

LIZETTE VAZQUEZ,

Plaintiff,

v.

PRECON MARINE, INC.

Defendant.

Case No.: 2:10cv638

DEFENDANT'S MOTION FOR PARTIAL DISMISSAL

Pursuant to Fed. R. Civ. P. 12(b)(6) and Local Rule 7(F), Defendant Precon Marine, Inc., by counsel, respectfully moves this Court for an order granting partial dismissal of Plaintiff Lizette Vazquez's complaint. Precon Marine, Inc. requests dismissal of Plaintiff's hostile work environment and, to the extent she intends to plead such claims, her discriminatory discharge and/or constructive discharge claims on the ground that she has failed to state claims upon which relief can be granted. The grounds, factual background, and legal authority are set forth in detail in the Memorandum of Law in Support filed contemporaneously with this Motion.

WHEREFORE, for the reasons stated in Precon Marine's Memorandum of Law in Support of this Motion, Defendant respectfully requests that this Court dismiss with prejudice all hostile environment, discriminatory discharge and/or constructive discharge causes of action alleged by Plaintiff against Precon Marine in this matter on the grounds that Plaintiff has failed to state claims upon which relief can be granted.

Respectfully submitted,

PRECON MARINE, INC.

By: ____/ s / _____

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ROSEBORO WARNING

TO PLAINTIFF LIZETTE VAZQUEZ

- 1) You are entitled to file a response opposing Defendant's Motion for Partial Dismissal. Any such response must be filed within twenty (20) days of the date on which the Motion is filed; and
- 2) The Court could dismiss your case on the basis of the papers filed by the Defendant if you do not file a response; and
- 3) You must identify all facts stated by Defendant with which you disagree and you must set forth your version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and
- 4) You are also entitled to file a legal brief in opposition to the one filed by the Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2011, I electronically filed the foregoing Motion for Partial Dismissal with the Clerk of the Court using the CM/ECF system and then will mail the pleading, along with a copy of the notification of such filing (NEF), via U.S. Mail, to the following non-filing user::

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Pro Se Plaintiff

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